

**ORIGINAL**

John O. Breninger

P.O. Box 2096

Pine, Arizona 85544-2096

Phone (928) 476-3707, Fax (928) 476-3701

Email: [ihunt4u@cybertrails.com](mailto:ihunt4u@cybertrails.com)



0000011538

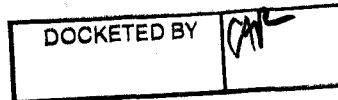
Arizona Corporation Commission

**DOCKETED**

December 19, 2003

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

DEC 19 2003



AZ CORP COMMISSION  
DOCUMENT CONTROL

2003 DEC 19 P 2:59

RECEIVED

SUBJECT: FILING OF MOTION TO DISQUALIFY INTERVENER

REFERENCE: Docket No. W-03512A-03-0279

Hearing Division Administrative Law Judge:

Pursuant to the referenced Docket No. before the Arizona Corporation Commission (ACC), "Public Notice for Hearing on the Rate and Finance Application of the Pine Water Company", I, John O. Breninger, Intervener, of the address and phone number listed in the heading of this letter, hereby file this "Motion to Disqualify the Pine / Strawberry Water Improvement District as an Intervener" in the proceedings of the referenced Docket No.

I respectfully request the Administrative Law Judge, of the ACC Hearing Division, to take the action to disqualify the Pine / Strawberry Water Improvement District (PSWID) as an Intervener in these proceedings. The PSWID, through its designated Administrator, John Nelson, and under the authority and responsibility of the Gila County Board of Supervisors, has entered into the Intervention of this Rate Case Application unfairly and to the detriment and subversion of the interests of the customers of the Pine Water Company, the residents and property owners of the District, and to the community at large. The PSWID Intervention has unfairly served to delay the Hearings and expand the scope of this entire Hearing process beyond any reasonable resolution of the issues at stake. The PSWID has not established a public mandate and has not convened any public meetings of the PSWID since September 1, 2003, when the Gila County Board of Supervisors revoked the authority of the PSWID Board and took over the direction of the PSWID. To the contrary, the plan to Intervene and the actions to engage the Attorney to represent the PSWID as Intervener have been taken without any public input in open meetings, have incurred obligations to

be paid from the District Treasury without notice to the public, and have permitted no representative input from a cross-section of the Community in open meetings. Instead, the Administrator has appointed an "Advisory Group" of approximately 12 members, convened by an appointed Coordinator, to solicit input to the PSWID regarding what the PSWID should do. This Advisory Group, which was convened in the name of PSWID on an "invitation only" basis, is heavily weighted by a small group of individuals with special interests, serving to address their own agenda, to the detriment of the larger community interests. Some of the individuals in this group are the same who were principals in the illegal formation of the Strawberry Hollow Domestic Water Improvement District by carving an area out of the PSWID and the CC&N area of the Pine Water Company, and now are using the cover of the PSWID to continue to pursue their own interests. I pray that the presiding Judge will grant this motion to disqualify the PSWID as Intervener, and to preserve the integrity of the Rate Case Hearing process by stopping this subversion.

In support of the failure of the Gila County Board of Supervisors and the PSWID Administrator to conduct the PSWID business in compliance with the Arizona Revised Statutes requirements for Open Meetings, I have formally filed a complaint with The Arizona Attorney General against these parties. This complaint is documented under the AG File No. 031 9582.

I hereby certify that a copy of this Motion to Disqualify has been hand delivered this 19<sup>th</sup> day of December, 2003 to

Dwight D. Nodes  
Administrative Chief Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington Street 85007

A Copy has been mailed this 19<sup>th</sup> day of December, 2003, to the company,  
Pine Water Company  
3101 State Road  
Bakersfield, California 93309,

and its counsel,  
Fennemore Craig  
C/O Jay L. Shapiro  
3003 N. Central Avenue, Ste. 2000  
Phoenix, Arizona 85012

And Intervener, Pine /Strawberry Water Improvement District (PSWID)  
C/O John G. Gliege, Attorney for PSWID  
P.O. Box 1388  
Flagstaff, Arizona 86002-1388

And to Intervener,  
Robert M. Cassaro  
P.O. Box 1522  
Pine Arizona 85544

and this original plus 13 copies, hand delivered this 19<sup>th</sup> day of December, 2003, to Docket Control at ACC for distribution to all other parties of record in the case.

Respectfully submitted,

*John O. Breninger 12/19/03*

John O. Breninger  
Intervener

FILE: ACC03013JB.doc